

STATE OF WASHINGTON

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF
INSURANCE COMMISSIONER

FILED

2005 FEB 18 A 10:14

DECLARATION OF MAILING

I declare under penalty of perjury
under the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to

parties listed below.
DATED this 18 day of February 2005
at Tumwater, Washington.

Signed: Wendy Galloway

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Administrative Assistant
WendyG@OIC.wa.gov.
(360) 725-7002

In the Matter of:

CINDRA L. THOMPSON,

Licensee.

NO. D05-17

NOTICE OF HEARING

TO: Cindra Lynn Thompson
2116 242nd Street, S.W.
Bothell, Washington 98021

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
James E. Tompkins, Asst. Deputy Commissioner, Company Supervision
J. Scott Jarvis, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
Charles Brown, Staff Attorney, Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On February 2, 2005, the Hearings Unit received and filed a Demand for Hearing from Cindra Thompson, representing herself. The purpose of said Demand for Hearing is to contest the Commissioner's November 30, 2004 grant of the Joint Underwriting Association's (JUA) request to deny coverage for professional liability insurance (midwifery) for Cindra Thompson.

Accordingly, on February 16, 2005, the undersigned held a first prehearing teleconference in this matter. Ms. Thompson appeared pro se and the Commissioner was represented by Charles Brown, Staff Attorney with the Commissioner's Legal Affairs Division. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501



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concerns of the parties. Of significance, Ms. Thompson asked about obtaining documentation of the communications between JUA and the Commissioner which related to the decision of the Commissioner to grant approval to the JUA to deny her coverage for professional liability insurance (midwifery), and, in response, the Commissioner committed to send her the documentation which he had received concerning this issue. Ms. Thompson is advised to contact the Hearings Unit should there be any question about delivery, completeness or timeliness of transmittal of these documents. Secondly, Ms. Thompson advised that she might seek an attorney to represent her in this matter, and the undersigned indicated that she believed that the date scheduled for hearing was so far out that it should accommodate an attorney's schedule absent insurmountable circumstances and further that should said attorney wish to be included in a second prehearing conference to discuss procedure or address any other issues then that attorney must simply contact the Hearings Unit and request an additional prehearing conference.

Finally, during the subject first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at **10:00 a.m., on Monday, April 18, 2005.**

The purpose of the hearing will be to determine the validity and propriety of the Commissioner's aforementioned grant of JUA's request to deny professional liability coverage (midwifery) to Ms. Thompson, as evidenced by the Commissioner's letter dated November 30, 2004.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010.

The Commissioner will be represented by Charles Brown, Staff Attorney with the Commissioner's Legal Affairs Division. His mailing address is P.O. Box 40255 and his telephone number is (360) 725-7044. During the first prehearing teleconference, Ms. Thompson advised that, to date, she will represent herself.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. Ms. Thompson may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on February 16, 2005, the undersigned held a first prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences,

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which may arise, may be directed by any party to Wendy Galloway, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Monday, April 18, 2005, at the hour of 10:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.

ENTERED AT TUMWATER, WASHINGTON, this 18th day of February, 2005.


PATRICIA D. PETERSEN
Presiding Officer



OFFICE OF
INSURANCE COMMISSIONER

FILED

2005 APR 20 A 11:39

DECLARATION OF MAILING

I, under penalty of perjury
swear to the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to
parties listed below

DATED this 20th day of April 2005
at Tumwater, Washington.

Signed: Wendy Galloway

HEARINGS UNIT

Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

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Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Administrative Assistant
WendyG@OIC.wa.gov.
(360) 725-7002

In the Matter of:

CINDRA L. THOMPSON,

Licensee.

NO. D05-17

ORDER OF CONTINUANCE

TO: Cindra Lynn Thompson
2116 242nd Street, S.W.
Bothell, Washington 98021

AND TO: Carla M. Dewberry, Esq.
Bennett, Bigelow & Leedom, P.S.
1700 Seventh Avenue, Suite 1900
Seattle, Washington 98101

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
James E. Tompkins, Asst. Deputy Commissioner, Company Supervision
John Hamje, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
Mary Cotter, Staff Attorney, Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On April 8, 2005, Mary Cotter, Esq., Staff Attorney with the Office of the Insurance Commissioner (Commissioner), filed a Motion to Continue in this matter, asking that the hearing herein be continued from the currently scheduled April 18, 2005 hearing date. On April 14, 2005, a letter filed by Mary Cotter reflected that both parties agreed to a 60 day continuance

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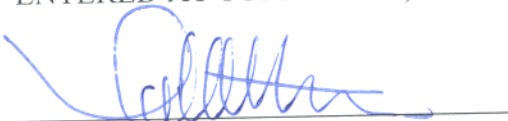
of the hearing and agreed to schedule the new hearing date at a telephone prehearing conference on April 20, 2005 at 10:00 a.m.

Accordingly, on April 12, 2005, the undersigned granted the subject Motion and on April 20, 2005, the undersigned held a second prehearing teleconference to reschedule the hearing date. The Commissioner asked that the hearing be continued for 60 days in order to provide adequate time to schedule necessary witnesses, and that Ms. Thompson had agreed to such continuance in consideration of being provided interim professional insurance coverage for 60 days beginning April 18, 2005, at her own expense. Further, the parties advised that Ms. Thompson's practices would be subject to another Professional Liability Review by the Joint Underwriting Association (JUA) during this period of time, which review would be in the nature of a possible reconsideration of her denial of insurance coverage through the JUA. Further, the Commissioner agreed that he would encourage the JUA to complete this new Professional Liability Review within 30 days from April 18, 2005, in order to allow adequate time to determine whether the JUA and Commissioner will change their recommendation and decision to deny coverage and – if the decision is still to deny coverage – to allow the parties the second 30 day period to prepare for hearing. Finally, during the subject prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at **10:00 a.m., on Monday, June 20, 2005.**

Based upon the above activity,

IT IS HEREBY ORDERED that the hearing in this matter is continued, for good cause shown as detailed above, until **Monday, June 20, 2005, at 10:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington.

ENTERED AT TUMWATER, WASHINGTON, this 20th day of April, 2005.



PATRICIA D. PETERSEN

Chief Hearing Officer

Presiding Officer